S. Kanara 2/54

1954

File No.

Examined

Legal DEPARTMENT

E BRANCH

Subject:— Suits--- Kanara

C. S. No. 185 of 1953

V. N. Kamat - - - - - - - - -Plff—

V/s

1. The State of Bombay.
2. Shri R. H. Mirajkar. District Judge, Kanara. } -Defts

Re:- For a mandatory injunction (1) directing the district Judge to appoint the plaintiff to the post of section writer, (2) alternatively directing the District Judge, Kanara, to recommend to Govt. for condonation of the age bar and (3) damages of Rs. 12-10-0 and Costs

P. 69 E

S. Kanara 2/54

File No.

Std. Scott. Slip 24-B

2/54

X / 2HD/B

Submitted with reg. ✕
G.L., 2HD., No. ✕/66326-B dt
28.6.53.

2. The D.J., Kanar- has forwarded a report re: the suit instituted by Smt. V.N. Kamat, Bailiff, Civil Court, Kumta and has furnished the information as required by Rule 118 of the Law Officers' Rules. The D.J's report together with all its accompaniments and this Dept. file No. ✕/66326 may now be forwarded to L.D. as required by Rule 119 of the Law Officers' Rules. The L.D. may be requested to defend the suit on behalf of Govt. and to take necessary action with reg. to the portion marked 'A' on p. 5 of the pps. forwarded by the D.J.

Kept with the file

Slip 1 in the draft file

Slip 2 in the draft file

THE SECRETARY TO GOVERNMENT, LEGAL DEPARTMENT.
No. 967
12/1/54

Rmd 7/1/54.

Done 8.1.54.

RGS 8/1

11 JAN 1954

Dr
✕
N.O.R. to L.D. 8.1.54.

✕ with file ✕/66326.
and case No.

No. X.4418/52.

Date 8th December 1953

From

S. B. PALEKAR, Esquire, B.A. (Hons.), LL.B.,
REGISTRAR, HIGH COURT (APPELLATE SIDE),
BOMBAY 1.

To

The Secretary to the Government of Bombay,
Home Department.

HCKE LE
File No. X/66326
9-12-53
Serial No. 86141

Subject ~~and Reference~~:— Suit filed by one Mr.V.N.Kamat, Bailiff, Kanara District, against Government and the District Judge, Kanara.

Sir,

I am directed by the Honourable the Chief Justice and Judges to forward the accompanying letter No.4605, dated the 24th November 1953, from the District Judge, Kanara, together with its accompaniments, on the subject noted above, for necessary action.

Yours faithfully,

Registrar

Kla/-

Urgent.

No. 665 of 1953.

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District Court of Kanara,
Karwar. 24th November 1953.

From

Shri.R.H.Mirajkar, B.A.,LL.B.,
District Judge, Kanara, Karwar.

26 NOV 1953

To

The Secretary to Government,
Home Department, Bombay No.1.

16883
27/11

S i r,

I have the honour to state that a Civil Suit has been filed in the Court of the Civil Judge, Senior Division, Karwar, against (1) The State and (2) Shri.R.H.Mirajkar, District Judge, Kanara, Karwar by one Vaman Narayan Kamat, bailiff, serving in this district for injunction and damages. As required by Rule 118 of Law Officers (Conditions of service) Rules and Rules for the Conduct of the Legal Affairs of Government I am forwarding here-with my report together with the accompaniments for suitable action. All the said papers are paged in Red pencil at the top from 1 to 52.

Yours faithfully,

District Judge, Kanara.

Through the Registrar, High Court, Appellate Side, Bombay no.1
with compliments.

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Report submitted under Rule 118 of the Rules for the Conduct of legal affairs of Government.

1.(i)	The number of suit:	Civil Suit No. 185 of 1953.
(ii)	The date on which, and the Court in which, it was instituted:	It was instituted in the Court of the Civil Judge, Senior Division, Karwar on 18-9-1953.
(iii)	The names of all the parties:	Vaman Narayan Kamat, 35, bailiff, Civil Court, Haliyal, North Kanara District .. .Plaintiff against 1. The State of Bombay. 2. Shri.R.H.Mirajkar, District Judge, Kanara, Karwar ... ... Defendants.
(iv)	The amount or value of the claim:	Rs. 17-10-0.
(v)	The date fixed by the Court for the first hearing:	Fixed for filing Written Statement on 28-11-1953.
(vi)	Whether notice of the action has been given under Section 80 of the Civil Procedure Code, and, if so, the date of delivery of such notice.	Yes. Notice was served on Defendant no. 1 on 22-5-1953 and on Defendant no. 2 on 25-5-1953.

2. The following papers are sent along with this report:

(a) A copy of the plaint in English with copies of documents annexed to the plaint

Para 1 of the plaint:

It is a fact that Notification dated 26-9-1951 inviting applications for the posts of Section-Writers had been issued by the then District Judge of Kanara and that he had permitted the bailiffs to apply for these posts through the heads of offices. It is true that Plaintiff had applied for

the post of a Kannada Section-writer and that the Civil Judge had recommended his application. It is true that on 7-2-1951 the District Judge had sent a post card asking the Plaintiff to appear before him for interview on 16-12-1951 at his own cost. A test was held and the Plaintiff was one of the selected candidates. Shri.V.G.Jam--khandi, who was the then District Judge selected 4 bailiffs of whom the Plaintiff was one (vide copy marked 'D').I ~~x~~ am enclosing herewith a copy of Government Resolution, Home Department No. 6547/5 dated 26-9-1950 (marked 'A') under which Government has prescribed certain rules for the recruitment of Section-writers. The Bailiffs' Association in this District had been agitating to get the bailiffs appointed as Section-writers. As there were some bailiffs possessing the neces--sary qualification to the posts of Regional Section-writers Shri.B.V.Manje--shwar who was the then District Judge had called for applications from qualified bailiffs. After his transfer Shri.Jamkhandi interviewed the applicants and selected 4 bailiffs. He sent his report to the High Court on 5-3-1952 (copy of which has been herewith ~~/~~ marked 'B'). He was of opinion that.the Bailiffs should be given encouragement by appointing well behaved and properly qualified bailiffs as Section--Writers although the Bailiffs' cadre cannot be looked upon as a stepping stone for Section-writers.

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On 9-4-1952 the High Court replied to the District Judge as per copy marked 'C'. The High Court was or opinion that the bailiffs can be selected for the post in terms of Government Resolution quoted above marked 'A', provided the age limit prescribed in Rule 6 is not transgressed. But in the Plaintiff's case there was age bar under Rule 6. The High Court letter expressed that there was no provision for relaxation of the age limit in case of bailiffs. Hence the High Court opined that the selected candidates can be put on the list if there is no age bar. Otherwise it was suggested that Government approval should be obtained.

It is true that on 3-5-1952 the Plaintiff has submitted an application to intimate the result of the interview and on 30-5-1952 he has been informed that under the existing rules no Bailiff who is over-age can be appointed as Section-writers (vide copy marked 'E'). Thus it will be clear that there has been no contract which is enforceable in a Court of law the benefit of which the Plaintiff can claim. The mere fact that the Plaintiff has been called for an interview at his own cost or that he had been selected subject to the approval of High Court cannot give rise to any cause of action either agains the Government or Defendant no.2. The applications had been called for under the Government resolution quoted above and the Plaintiff who is serving in the

Judicial Department was aware of the existence of this Government Resolution. He cannot therefore claim any relief contrary to the provisions of this Government Resolution. He is estopped from claiming any relief contrary to the rules contained in this Government Resolu-tion. Hence the suit is not maintaina-ble and the Plaintiff is estopped from filing such suits.

Plaint Para No. 2:

Rule 6 of the above Government Resolution clearly mentions the age limit. The age limit can be relaxed by not more than 3 years only in the case of Backward Class candidates. But the Plaintiff does not belong to such Class. Therefore age bar could not be relaxed in the case of Plaintiff by the District Judge. The Defendants do not admit the allegations made by the Plaintiff in para 2 as regards the interpretation of the Government Resolution quoted above made by either Shri.Manjeshwar when calling for applications or of Shri.Jamkhandi who submitted the report quoted above. They are not parties to this suit. Their interpretation is not binding on the Defendants, and cannot form a basis for a suit against the Defendants. The post of a bailiff had never been declared by Government as a stepping stone for a Section-writer's post. Hence it is incorrect to say that over-aged qualified bailiffs were

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eligible for appointment as Section-writers in spite of the age bar or to say that any of the District Judges concerned were of opinion that such age bar did not apply to such bailiffs. The allegations made by the Plaintiff in Para 2 of his plaint regarding the interpretation of High Court letter is incorrect. Having once called for the inter--view or after selecting some candidates on wrong basis contrary to the rules there was no contract with the Plaintiff to appoint him as a Section-writer. The Plaintiff cannot rely upon such correspondence as it was not between the Plaintiff and the District Judge. The Plaintiff has never been informed that he has been selected for the post.

In these circumstances the Plaintiff cannot call upon the District Judge to move the Government through the High Court for condonation of the age bar. Further there were already sufficient number of selected candidates for the Section-writers' posts. The Plaintiff was accordingly informed by Memo dated 9-6-1952, copy of which is marked 'F'. The Plaintiff repeated his request to recommend relaxation of his age bar by his application dated 18-6-1952 (copy marked 'G' and the reply given to him is dated 23-6-'52 25 marked 'H'.

The Plaintiff applied to the Secretar to Government, Home Department, Bombay complaining about the order of the District Judge on 2-7-1952 (vide copy marked 'I'). The District Judge forwarded his reply to

this representation on 17-7-1952 through the High Court, Appellate Side, Bombay to Government. It is marked 'J'. He had also applied to the High Court by his application dated 2-6-1952 marked 'K' and the reply given by the High Court dated 5-9-1952 marked 'L'.

The Plaintiff submitted an appeal petition to Government dated 22-9-1952 marked 'M' which the Civil Judge forwarded under his letter No.1150 of even date. But his attention was drawn to the fact that no such appeal lies under Rule 40 of Bombay Civil Services Conduct, Discipline and Appeal Rules. The Plaintiff was informed through the Civil Judge Kumta that his appeal could not be forwarded to Government as he had no right to prefer an appeal (vide copy of memo dated 31-10-1952 marked 'N').

The Plaintiff then submitted a memorial to the Governor of Bombay (copy marked 'O') and the advance copy was sent direct. The District Judge forwarded the same through the Registrar, High Court, Appellate Side, Bombay. The copy of the reply given to the Plaintiff is dated 21-1-1953 (marked 'P').

The Plaintiff has thus exhausted all his remedies. Hence the Civil Court has no jurisdiction to interfere with the orders passed by the District Judge in his administrative capacity or to grant any relief to the Plaintiff. The suit is barred under Section 9 of Civil Procedure Code.

This suit is not based upon any contract.

It is incorrect to say that Plaintiffs and Section-writers belong to Class III of Government Servants. The Section-writers do belong to that Class. But the Bailiffs belong to Class IV. Only so far as Travel-ling allowance is concerned they are Class III servants.

The mere fact that Plaintiff has worked as a Home Guard did not entitle him to demand or expect that special concessions should be given to him contrary to Rule 6 of the Government Resolution marked 'A'.

Plaint paras 3 to 9:

The bailiffs may be appointed as Section-writers provided there is no bar under any of the rules framed for their appointment under Government Resolution marked 'A' quoted above. Hence no further comments are necessary regarding paras 3 to 9. The allegations made in these paras have already been explained above.

Plaint Para 10:

Cause of action shown in the plaint is incorrect. The Plaintiff had no right of appeal and therefore he cannot rely upon the High Court order dated 21-1-1953 as the basis for cause of action. The real cause of action arose on 29-5-1952 when the order marked 'E' was communicated to the Plaintiff that he cannot be appointed as Section-writer The suit has not been filed within time from that date even if there be any cause of action.

Plaint para 11:

Notice under Section 80 has been issued to both the Defendants.

Plaint para 12:

No objection for the valuation of the claim.

Plaint para 13:

Plaintiff cannot claim mandatory injunction against the District Judge either to appoint him as a Section-writer or direct him to recommend to Government for condonation of his age bar. The Civil Court is not competent to grant any such mandatory injunction. The Civil Court cannot interfere with the administrative orders to be passed or passed by the District Judge. As regards damages it is denied that the Plaintiff is entitled to any damages or that he has suffered Rs.5/- as damages. As regards journey cost the Notification issued by the District Judge calling for applications clearly mentioned that the applicants were to come to the interview at their costs. In view of the specific under-standing the Plaintiff cannot claim the costs of any journey. The Plaintiff is not entitled to costs of any other reliefs.

As regards the claim against Shri. R.H.Mirajkar, District Judge of Kanara it appears that the Plaintiff has impleaded him as a party to this suit as he refused to forward the Plaintiff's application for condonation of his age-bar and also to grant him travelling

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allowance for the journey undertaken by the Plaintiff in connection with the inter-view. This order is dated 9-6-1953 and has already been referred to above. It is marked 'F'. Shri. Mirajkar has already appeared through the Assistant Government Pleader. There are no allegations of malice made against him. When the order is passed bonafide in his capacity as Public servant it appears that such a suit is not maintainable against him. His defence will have to be sanctioned at Government cost and the question whether he will have to file a separate Written State-ment is to be considered.

District Court of Kanara,
Karwar, 24th November 1953.

District Judge, Kanara.

In the Court of the Civil Judge, Senior Division,

at Karwar.

Civil Suit No. 185 of 1953.

Vaman Narayan Kamat, 35, Bailiff, Civil Court, Haliyal, N. Kanara District. — Plaintiff

against

1. The State of Bombay.
2. Shri. R.H.Mirajkar, District Judge, Kanara, Karwar, now on leave at Belgaum. — Defendants.

Claim Rs.17-10-0.

The Plaintiff avers as under:

The District Judge, Kanara, Karwar, issued in September a notification dated 26-9-1951 inviting applications for the posts of Section-Writers and permitted the Bailiffs to apply for those posts through their heads of offices. Accordingly in response to this notification the Plaintiff submitted his application to the Dist--rict Judge, Kanara, Karwar for the post of Kannada Section-writer. as he possessed the necessary qualifications through the Civil Judge, Kumta, who strongly recommended his application. Many bailiffs in this District including non-qualified bailiffs applied for the posts of Regional Section-writers. Sometime later in the month of December 1951, the Plaintiff received post card dated 7-12-1951 from the District Court, Kanara, that he (Plaintiff) should present himself before the District ℄ Judge, Kanara, on 16th December 1951 (Sunday) for an interview at his own cost. As many as 19 or 20 bailiffs including many non-qualified bailiffs who had been for the interview were made to undergo tests, written and

oral. Sometime in the month of March or April 1952, the Plaintiff reliably understood from a responsible clerk on the District Court Establishment that four bailiffs viz. (1) Govind Gourish (since deceased), (2) Abdul Khadar Mohammad Ali Shaikh. (3) Nagesh Janardhan and (4) the Plaintiff were selected from the bailiffs' cadre and a recommendation had been made to the High Court for approval. Till the end of April no communication was received by the plaintiff. So, the Plaintiff, on 3-5-1952 submitted an application to the District Judge, Kanara, to kindly intimate the result of the interview. On 30th May 1952, the plaintiff received a memo No. 1640 dated 27/29-5-1952 to the effect that the plaintiff was over-age and the existing rules did not permit his entertainment as a candidate for the post of a regional Section-writer.

2. The Plaintiff is a departmental man and he had specifically mentioned his age in his application. And if there was any bar or restriction in the rules that overaged departmental persons in bailiffs' cadre could not be considered as 'eligible' for the appointment as Section-writers, the plaintiff contends that overaged qualified bailiffs would not have been made to travel all the way from the mofussil courts to head quarters at their own costs for the interview. The District Judge was evidently of the opinion that the age-bar did not apply to departmental persons and that therefore bailiffs who possessed necessary qualifications were eligible for appointment as Regional Section-writers. But the Hon'ble High Court on a reference made by the District Judge, Kanara, Karwar, replied in their letter No. C.4409/52 dated 9-4-1952 that no provision for relaxation has been made to ignore the age-limit in the case of bailiffs working in the Department. Their Lordships, however, informed

the District Judge, Kanara. Karwar. in their said letter that in case the bailiffs were not within age or if there was any other difficulty in putting them on the list, then the approval of the Government under Rule 1 of the rules framed for the recruitment of Section-writers was necessary. Their Lordships further suggested that if the name of the four bailiffs mentioned by the District Judge in his reference could not be put in the list on account of the restriction in Rule 1 of the Rules, then approval of the Government would be necessary under the said Rules and for this purpose the District Judge, Kanara, should move Government stating the necessary parti-culars together with qualifications, age, etc. of the bailiffs selected. The Plaintiff and other selected bailiffs believe that the District Judge, having once called the bailiffs for interview, would move Government through the High Court for condona-tion of the age-bar. But he did not consent to do so because there were sufficient number of candidates on the Section-writers' list. But this list was prepared from out of the candidates called for interview along with the bailiff and therefore obviously subject to revision of Government considered the Plaintiff's representation. The Plaintiff submits that bailiffs and the Section-writers belong to Class III of Government servants. When a bailiff possesses requisite educational qualifications for the Section-writers' post, it is merely a departmental promotion from the Bailiffs' cadre to the Section-writers' cadre. Further in this particular case of

the Plaintiff, over and above his possessing ~~gk~~ the requisite qualifications (Educationally he had additional qualification of a Home Guard of repute (Vide Government Resolution, Political and Services Department. No. 2263/34 dated 18-12-1948 and subsequent resolutions on the same subject which provide special promotion out of turn of Government servants in the case of Home Guards). The District Judge, Kanara, Karwar, on these mate--rials ought to have represented my plaintiff's case to Government.

3. The Bailiffs' cadre at present is the most hard-hit. Every employee in Government ser--vice save a bailiff has scope for promotion. Even a peon one day can aspire to become a Havildar or a Naik or even a Bailiff in the Judicial Department. But a bailiff irrespective of his intelligence, in--tegrity, etc. has to serve all through as bailiff and retire as bailiff alone. After repeated requests from the bailiffs' Association, the Hon'ble High Court issued orders that qualified bailiffs may be absorbed as Section-writers if they possess necessary qualifi--cations, and when the District Judge permitted them to apply for the posts of Regional Section-writers the plaintiff hoped that the bailiffs' demand for better prospects would soon be fulfilled.

4. The Plaintiff further contends that for the Departmental persons age is not taken into conside--ration at the time of promotion or at the time of transfer from one cadre to another cadre in the same class of Government servnats. In the Judicial Depart--ment peons are promoted as bailiffs irrespective of their age and there are instances of Section-writers being entertained as clerks though they happened to be over-age. Therefore the objection of age-bar in

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the case of the plaintiff is not supportable at law. The interpretation of the Rules is not correctly made.

5. On 2-6-1952 Plaintiff represented to the Hon'ble High Court detailing all the facts of his own case and also those of bailiffs in general for appointment as Section-writers ignoring their age-limit. This representation was submitted through the District Judge, Kanara, Karwar, who withheld the same and informed the Plaintiff through the Civil Judge, Kumta, under District Judge's memo No.1807 dated 9-6-1952 drawing the attention of the Plaintiff to the High Court letter No. C.4409/52 dated 9-4-1952, copy of which was received in the Civil Court at Kumta, on the very day on which the memo referred to above was received. Therein the Hon'ble High Court had referred to the G.R., H.D. No.6547/5 dated 26-9-1950 wherein rules as regards the recruitment of Section-writers were laid down. Withholding representation, the Plaintiff contends, is unjust. While the District Judge drew the attention of the Plain-tiff to High Court letter No. C.4409/52 dated 9-4-1952, he avoided the High Court's suggestion to move Government for condonation of the age-bar. His action in the matter amounts to favouring outside candidates and frustrating the intention and object of his predecessors who called the bailiffs for interview and selected some of them including the plaintiff.

6. It would be seen that the Government Resolution, Home Department, No. 6547/5 dated 26-9-1950 mentioned by the District Judge, Kanara, in his memo No. 1807 dated 9-6-1952 was before the District Judge, Kanara, (the Govern-

Government Resolution in question is of 1950 and the District Judge's notification was issued in September 1951) when he called for interview the bailiffs who had already passed the age-limit. The natural inference is that the District Judge of Kanara, was of the opinion that age-bar for departmental persons would not operate. The Government in their Resolution, in the Home Department, have not laid down any specific bar for promotion of bailiffs who are already in service to the Section-writers' cadre. It is, therefore obvious that age-bar does not come in the way of promotion in the case of Departmental persons from one cadre to another. The Plaintiff submits that there are instances where applications from Police Prosecutors for appointment as Civil Judges who are already overaged are being called for by the Government; further, clerks from the Judicial Department were entertained in different cadres altogether in other departments like the charity Establishment or the City Civil Court, ignoring the age-bar.

7. In these circumstances the Plaintiff approached the Government with a prayer to consider the cases of bailiffs already serving in the Judicial Department sympathetically and order their selection for Section-writers' cadre in the very Judicial Department irrespective of their age, in case they possess the necessary educational qualifications. The District Judge, Kanara, has mentioned to the Plaintiff in his memo No.1807 dated 9-6-1952 that there are sufficient number of selected candidates on the Section-writers' list and that he sees no reason to make a detailed report for their condonation of age etc. In this connection the Plaintiff submits that the list referred to by the District Judge was prepared after the present selection was

made for which applications were made both by outsiders and the bailiffs. This list, cannot, therefore be final until the question now agitated regarding non-consideration of age-bar in the case of Departmental persons is decided by Government. It is open to Government to direct the District Judge to revise this list by including the bailiffs as candidates.

8. The representation submitted by the Plaintiff to the Government was withheld by the High Court on the ground that the District Judge did not recommend the Plaintiff's case in the representation. The High Court erred in withholding the plaintiff's representation against the order of the District Judge, as the District Judge was not expected to support the Plaintiff's case in the representation. The Plaintiff's representation amounted to an appeal against the order of the District Judge dated 9-6-1952 communicated to the Civil Judge, Kumta, under No. 1807 dated 9-6-1952 inasmuch as the promotion from one cadre to another was not given to him.

9. Against the order of the High Court withholding the Plaintiff's representation to Government on the ground that the Plaintiff's representation was not supported by the District Judge. Kanara, the Plaintiff preferred an appeal to the Secretary to the Government, Home Department. This appeal was withheld by the High Court. Then the Plaintiff represented his whole case to His Excellency the Governor of Bombay. That memorial was withheld by the High Court. Having exhausted all the sources to get the injustice done to him set right, the Plaintiff has filed this suit against the

Government and the District Judge Shri. R. H. Miraj-
-kar for necessary reliefs.

10. The cause of action for this suit arose within the jurisdiction of this Court when his memorial to his Excellency the Governor of Bombay was withheld by the High Court as per High Court letter No. X.4418/52 dated 21-1-1953.

11. Notice under Section 80, Civil Procedure Code was issued to the Defendants on 19-5-1953, which were received by the Defendant no. 1 on 22-5-1953 and by Defendant no. 2 on 25-5-1953.

12. Valuation for this suit is Rs.17-10-0.

13. Hence the plaintiff prays for a mandatory injunction on the District Judge.

(1) to appoint Plaintiff to the post of Section-writer as the age-bar contemplat-
-ed by Rule 1 of G.R., H.D.No.6547/5 dated 26-9-1950 is not applicable to persons like the Plaintiff, who are already in permanent employ of the Government, or in the alternative.

(2) a mandatory injunction against the District Judge, Kanara, Karwar, directing him to recommend to Government the case of the Plaintiff for condonation of the age bar in compliance with the directions of the Hon'ble High Court under letter No. C.4409/52 dated 9th April 1952 for Section-writers' posts. The valuation for this purpose is Rs.5/-.

and

(3) to award demages of Rs.5/- towards mental agony and Rs.7-10-0 the expenses incurred by the Plaintiff in respect of his journey to Karwar from Kumta, for the interview,

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and

(4) costs of this suit and such other reliefs as in the opinion of the Court appear to be suitable to meet the case.

Sd. V. N. Kamat.

I, Vaman Narayan Kamat, Haliyal, do hereby declare that what is stated above is true to the best of my knowledge and belief.

Dated this eighteenth day of September 1953.

Sd. V. N. Kamat.

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No. 12576/4
Office of the
Remembrancer of Legal Affairs,
Bombay Castle, (Bombay No.1). 18th May 1954.

Subject:- Kanara Civil Suit No. 185 of 1953.

MEMORANDUM.

The District Government Pleader, Kanara Karwar, is informed that the defence of the suit noted above is sanctioned and he is requested to conduct the same on the lines of the brief, a typed copy of which is sent herewith in advance.

Papers of the case in one file received from the ~~Collector~~ District-Judge Kanara accompany.

Submitted for approval
18/5/54 SS

dc

for Remembrancer of Legal Affairs.

Issued vide 18/5

To The District Government Pleader, Karwar

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LEGAL DEPARTMENT.

Submitted.

The defence of C.S.No.185 of 1953 filed by Shri. V. N. Kamat against the State of Bombay has been sanctioned on the lines of of the brief, a typed copy of which along with papers of the case in one file have been forwarded to the District Government Pleader, Karwar under this office Memo.No.12576/E, dated 18th May 1954.

H.D.file No.X/66326, which is no more required by this Department, may be forwarded to that Department with the above note.

Sd. SLC.

Signed 7/6

with H.D file No X/66326

N.N to H.D No 13998/E dt 7th June 1954

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within the prescribed age limits could be selected as section-writers i.e. they were to be treated on a par with other candidates and the rules prescribed in the G.R. quoted above were to be applied to them also strictly. It was also pointed out that if they could not be put on the list according to the prescribed rules orders of the Govt would be necessary.

3. In view of the orders received from the High Court the 4 bailiff candidates whose names had been approved provisionally ~~selected~~ in the test, could not be finally selected as they were over -aged. There were a sufficient number of qualified candidates available. The District Judge did not consider it necessary to make out a special case by approaching the Government for condoning the age limit of the bailiff candidates and the matter was dropped.

4. This was absolutely a matter of discretion for defendant No.2, who was the then District Judge, to make such a recommendation. Plff had no right whatsoever to claim that he should be put on the ~~selected list~~ list of selected candidates for S.J's post nor to compel the District Judge to move for the condonation of his age bar. It was not obligatory on the part of the Deft No.2, to make out a case infavour of the plff for condoning the age bar of the plff. Hence plff has no right to file this suit for a mandatory injunction directing him to recommend to the Govt the case of the plff for condonation of the age bar or for a mandatory injunction on the District Judge to appoint plff to the post of the section-writer on the ground that the age bar contemplated by rule 1 of the above quoted GrR. is not applicable to persons who are already in permanent employment. Existence of a legal right is the foundation of any such injunction. But it is denied that plff has any such legal right to claim either of the two injunctions.

I.L.R.41 Cal. 518.

5. On 3-5-1952 the plff submitted an application requesting the District Judge to intimate to him the result of the interview. ~~On 29-5-1952~~ By a memo of the District Court dated 29-5-52 he was informed that under

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the existing rules no bailiff who was ~~of~~ over age could be appointed as a section writer. Feeling aggrieved by this reply the plff submitted a representation to the High Court on 2.6-1952. ~~f~~ He submitted a similar petition to the Government. It was duly forwarded ~~to~~ the High Court by the District Judge. On 5-9-1952 the Registrar of the High Court informed the plff that Their Lordships the Judges of the High Court did not ~~xxxxx~~ consider it necessary to forward the petition to Govt for condoning the plff's age limit and that he could not be appointed as a section-writer. The plff thus had the satisfaction of exhausting his remedy against the ~~xxxxxxxxxx~~ administrative order passed by the District Judge He was also informed that he could not be paid the travelling allowance in connection with the interview as the candidates were specifically informed that they would have to bear the cost of the travelling incurred in connection with the interview.

this representation was not forwarded to the High Court.

to the Govt in the Home Dept through

6. The plff must first prove that he has a right vesting in him to be put on the ~~selected list of~~ list of selected candidates for section writers' posts and that there is consequent obligation on the defts to appoint him as a section-writer. Plff has no such right nor any obligation has been imposed on the defts by any rules or under any G.Rs. The Rules framed by Govt for the recruitment of section writers do not contain any provision for the recruitment of bailiffs as candidates or for relaxation of any age limit in favour of such candidates. The plff and other bailiff candidates were over age and were thus not qualified for being selected as section writers. The Civil Court cannot interfere with the discretion vested in the District Judges in their administrative capacity unless there is a claim of right involved in the ~~xxxx~~ case. As there is no question of such right that can be asserted by the plff on account of his over-age this court has no jurisdiction to try this

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suit. This suit is barred under section 9 of the C.P.C.

7. Plff has not come to the Court with clean hands. It will be seen from the averment made in para 1 of the plaint that plff obtained information from a clerk in the District Court about the result of the selection and about the reference made by the District Judge to the High Court regarding the 4 bailiff candidates. The plff tried and succeeded in obtaining information from confidential Govt records which he was not entitled to get. Further he has made use of that information as a basis for claiming injunction. He is therefore not entitled to any relief.

8. The question of recommending to the Govt to condone the age bar is a matter of discretion of the District Judge. The plff cannot expect the Court to interfere with such discretion. At the most he could move the High Court. The High Court has also supported the District Judge's action. Therefore no suit can lie either against Deft No.2 for not using such discretion or against the Government on the ground that such discretion should have been used. Hence plff is not entitled to the mandatory injunction claimed in para 13(2)of the plaint.

9. It is not correct to say that the age bar is not applicable to persons already in service. The G.R.quoted above made no such exception. Hence the mandatory injunction asked for in para 13(1) cannot be granted. The contents of para 2 are denied.It is not true that appointment of bailiff to the post of a section writer amounts to the departmental promotion. The age limit prescribed in Rule 6 was applicable even t the Bailiff candidates. Plff's allegation that the then District Judge, Shri Manjeshwar who published the Notification dated ~~21-9-1950~~ 26-9-1951 by inviting the application for appointment of section-writers or Shri Jamakhandi who submitted the report to the High Court on 5-3-1952 held that there was no such age bar applicable to the

In the Court of the Civil Judge, S.Dn.,Karwar. 2/5/15

O.S.No.185-1953.

Waman Vs. State of Bombay. & another ... Defts

Written statement for the defendants:

1. Under G.R.H.D.No. GS47/5 ~~6547/5~~ dated 26-9-1950 Government directed that a list of candidates for the Section Writers posts snould be maintained and prescribed rules for the recruitment of section writers. Under Rule 1 no person can be appointed whose name is not in the list without the approval of the Government. Qualifications necessary for recruitment are laid down in Rule 4 and the age limit for the enlistment of a candidate is prescribed by Rule No.6. It is admitted that on 26-9-1951 the then District Judge Kanara published a notification inviting applications for enlistment of candidates as Section writers. As the Bailiffs Association of this District had been long agitating the question of recruitment of the Bailiffs as Section writers, the bailiffs possessing the necessary qualifications under the G.R. quoted above were also permitted to apply through the proper channel. The plff possessed a necessary qualification for Kannada Section Writer's Post and therefore he applied through the Civil Judge,Kumta. He was one of the 20 applicants who had applied for enlistment under the above Notification. On 7-12-1951 the plff was informed to present himself before the District Judge,Kanara on 16-12-1951 for interview but he was clearly given to understand that he should come at his own cost. It is on this specific understanding that the plff presented himself for an interview.

See Document marked 'A' page 20.

2. The District Judge provisionally approved 4 Bailiff candidates after holding the necessary tests both in oral and in writing.As there were no rules for promoting the Bailiffs to the section writers posts and as it would create a new precedent if such candidates were so promoted the matter was referred to the Judges of the High Court. The High Court expressed the view that Bailiff candidates

bailiffs is not true. At any rate their interpretation is not binding on the present defendants. These 2 District Judges are not parties to the suit.

10. Plff next contends that in view ~~in~~ of the High Court letter dated 9-4-1952 plff and other bailiff candidates thought that the District Judge would obtain the approval of the Government for placing the said candidates in the list of section-writers. It may please be noted that the correspondence passed between the District Judge and the High Court was of a confidential nature. No such assurance had been given to the plff. There was no such correspondence between the plff and the District Judge and the plff cannot rely upon the correspondence between the High Court and the District Judge. Secondly, the High Court simply pointed out that approval of the Government would be necessary for putting the said candidates on the selected list if they were over-age. It was absolutely left to the discretion of the District Judge whether or not to submit any such proposal to the Government, and in view of the candidates within age being available the discretion was properly exercised by the District Judge refusing to make a reference to the Government to condone the age of the plff. In any event the suggestions of the High Court did not create any right in favour of the plff to demand tha the District Judge should have moved for such condonatio of age bar. The plff has never been informed that he had been selected for the post.

11. The plff next contends that the Bailiffs and the section writers belong to the ~~IIIrd class~~ Class III of the Government servants and that when a bailiff possesses requisite educational qualifications for the section-writer's post it was merely a departmental promotion from the bailiff's cadre to the section-writers' cadre. These contentions are not true and are denied. The

4541

bailiff's and section-writer's cadres are quite distinct and independent. The latter had never been declared by Government open for promotion from the former cadre.The then District Judge , however, considered the desirability of selecting qualified bailiff candidates for the posts of section-writers and referred the matter to the High Court. According to the directions received from the High Court the Bailiff candidates were to be treated on a par with other candidates . No special consideration was to be shown to them except with the permission of the Govt. Hence the plff is labouring under misunderstanding as to his supposed rights.

12. Plff then contends that his case deserved special consideration in view of his services as a Home-Guard. This is not true. This fact is denied. The Rules prescribed by Govt do not provide for granting any special concession to persons rendering any meritorious services as a Home Guard. The fact remains that no right for promotion to the sectioner's post can be claimed simply because the plff happened to be a Home Guard. Similarly, the fact that plff was a Home Guard gave no rise to any right to claim that his age bar should be condoned nor did it create any obligation on the District Judge, to move for the condonation of the age bar of such a Home Guard bailiff.

13. Various contentions and allegations made in paras 3 to 9 of the plaint are a repetition of the contentions already replied to. All the contentions in these paragraphs are denied. The contents of these paragraphs practically amount to arguments and not statement of facts, not covered by the first two paragraphs.

14. Plff has shown the cause of action as arising on 21-1-1953. This is not correct. The plff had no right to appeal under Rule 40 of the Bombay Civil

4541

Service Conduct Discipline and Appeal Rules. He cannot therefore rely upon the order of the High Court dated 21-1-1953 as the date on which the cause of action arose. The cause of action if any arose on 29-5-1952 when the plff was informed that he could not be appointed as a section-writer. No cause of action has been shown in the notice issued by the plff under section 80 C.P.C. The plff has filed this suit on 18-9-1953. The suit is therefore barred under Article 14 of the Limitation Act.

15. This court has no jurisdiction to try this suit. Both the mandatory injunctions claimed in para 13(1) and (2) are in the nature of writ of mandamu covered by section 45 of the Specific Relief Act 1877. The mofussil courts have no jurisdiction to issue suc orders as it is the exclusive jurisdiction of the High Court. Hence it is urged that this court has no jurisdiction in the matter.

16. Plff is not entitled to any damages. Unless there is any breach of any legal right no questi... of damages can arise. It is not true that plff has suffered damages of Rs.5/- as claimed in the plaint.

17. Plff is not entitled to claim Rs.7-10-0 as travelling expenses. The District Judge had clearly mentioned in the letter addressed to the plff calling hi for an interview that he should come at his own cost.

18. Deft.No.2 is no more a District Judge in Kanara and no relief of mandatory injunction can be claimed against him. He will be retiring on 7-6-54 ~~has already retired~~ from service and no relief can be claimed from him. He was not the person who had called the plff for an interview and he cannot be held responsible for the claim of damages or for the travelling expenses simply because he did not recommend the condonation of plff's age bar as there was no obligation on his part to make such a recommendation. He has acted bonafide in course of his

4749

official business. There is no allegation of malice made by the plff against him. As he passed the order bonafide in the course of his official duty no suit is maintainable against defendant No.2.

19. There is no right of action either against the Government or against the Deft No.2 for not moving the Government to get the plff's age bar condoned as the matter was entirely discretionary. The G.Rs. or the Notifications did not form a contractual relationship between the plff and the Government that the plff should be promoted as a section-writer. These G.Rs. or the Notifications were mere directions given by the Govt to the Administrative Authority for their general guidan Even supposing that there is any breach of such Rules or G.Rs. they do not create any legal right for claiming any of the reliefs mentioned in the plaint.

See 39 B.L.R. 699.

20. For all these reasons it is prayed that the suit be dismissed against both the defendants and the plff's costs awarded

No. of 1954.

District Court of Kanara,
Karwar, 28-5-1954.

Returned with compliments.

2. Some discrepancies noticed are reconciled.

Sheristedar,
District Court, Kanara.

From:

The District Government Pleader,Kanara.

To

The Remembrancer of Legal Affairs, Bombay.

Subject: Original suit No. 185-1953.

No. 292 of 1954. Karwar, dated 29th May 1954.

Sir,

As desired by your letter No.12576/E dated 18th May 54 I am submitting herewith a copy of the draft written statement in the above suit, for your approval. This suit has been fixed on 31-5-1954 for filing our W.S. Hence this matter may please be expedited. I will apply for adjournment in this case on 31-5-1954. Please note approval of the amendments in the draft written statement.

Yours faithfully,

Dist:Govt.Pl.Kanara.

L.D. 1 - JUN 1954

LEGAL DEPARTMENT
File No. 15766
Item No. 2-6-54
LE

Submitted

The D.G.P desires approval of the draft communicated by wire I received this today. The draft W.S is not proper and requires to be overhauled. The D.G.P has objected to adjournment. We may be asked to communicate the next date of Hearing if sufficient time I send a proper draft for approval In the meanwhile the draft will be revised

MLL
20/6/64

Sd/- (ML) 21/6

No. 14431/E 5351
Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1), 11th June 1954.

V. 9/6/54

Subject:- Kanata C.S. No. 185 of 1953.

Memorandum:

With reference to his letter No. 292 dated the 29th May 1954, the District Government Pleader, Karwar is informed that the draft of the Written Statement forwarded by him is not properly ~~drafted~~ prepared. He has simply reproduced the paragraphs of the brief. He is requested to let this office know the next date for filing the Written Statement. If there is sufficient time he is requested to redraft the Written Statement taking each contention in the plaint para by para and to send the draft for approval.

o/c for Remembrancer of Legal Affairs.

To

The District Government Pleader,
Karwar.

Submitted for signature
11/6/54 SS

Issued
11/6

5753

LEGAL DEPARTMENT.

Submitted.

The defence of C.S.No.185 of 1953 filed by Shri. V. N. Kamat against the State of Bombay has been sanctioned on the lines of of the brief, a typed copy of which along with papers of the case in one file have been forwarded to the District Government Pleader, Karwar under this office Memo.No.12576/E. dated 18th May 1954.

H.D.file No.X/66326 which is no more required by this Department, may be forwarded to that Department with the above note.

HOME DEPARTMENT
LD. 13998/E
7-6-54
Serial No. 10031

With H.D note no X/66326 Sol(Mis) 2/6 to H.D no 13998/E dt 7th June 54

H.D. B.

This may be returned to L.D. with the information that the file No X166326 has been retained in this Dept.

@ll
9.6.54.

Secretary 9.6.54

L.D.
11 JUN 1954
E

Returned to L.D. 9.6.54.

THE SECRETARY TO GOVERNMENT
LEGAL DEPARTMENT
File No. 16757
Dept. No. 14-654
F

INVEST WISELY
Buy NATIONAL SAVINGS CERTIFICATES

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

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15 JUN 1954

Class / Prefix } ____ Code ____ No. C.

Rec'd from ____ By ____

Sent at ____ H. ____ M.
To ____
By ____

Office stamp

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Rec'd here at ____ H. ____ M.

O SC KARWAR KNA 14 STE 20 SECLEX BOMBAY

ORIGINAL SUIT 185 FIXED SIXTEENTH INSTANT FOR WRITTEN

STATEMENT YOUR LETTER 14431 -- DISTRICT GOVT PLEADER

N.B.—The name of the Sender, if telegraphed, should be written after, but separated from the text.

MGIEP—1—

Submitted

as per date appended
[illegible] may be inspected by a telephone
[illegible] should be sent to
him is approved & he may
[illegible] accordingly

MLC
16/6/76 Solicitor

As may be
agreed to rectify-ation
[illegible] would be made
as per letter
[illegible] by him

[illegible]
1976

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EXPRESS STATE

District Government Pleader,
Karwar.

NO. 14686 | E REFERENCE CIVIL SUIT NO. 185 OF 1953
REDRAFT WRITTEN STATEMENT
PROPERLY AND FILE

SECLEX

Legal Department,
Bombay Castle (Bombay No.1), 15th June 1954.

Copy by post,

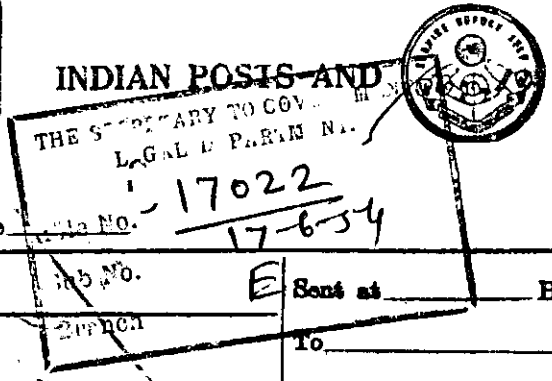
Solicitor to Government.

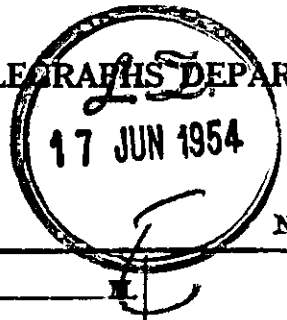
Submitted for signature
15/6/54

Issued 15/6

61 59

INDIAN POSTS AND TELEGRAPHS DEPARTMENT





Class Prefix | Code | Tele No. | No. **2806 C**

Recd. from | Sent at | H. | M. | Office-stamp

By | To

By

Handed in at (Office of Origin)	Date	Hour	Minute	Service Instructions	Words

TO

Recd. here at H. M.

X PH KARWAR KNA 16 STE 29 SECLEX BOMBAY .

CIVIL SUIT 185 BAILIFF WAMANS SUIT ONE WEEKS TIME GRANTED TODAY FOR FILING WRITTEN STATEMENT KINDLY EXPEDITE SENDING REDRAFTED WRITTEN STATEMENT = DISTRICT GOVERNMENT PLEADER =

Submitted for information

The D.G.P. has been
advised telegraphically
& redraft letters & file
if no action necessary on
this.

MW 10/6/84 Sdn (ML)

10/6

53 61

EXPRESS STATE

District Government Pleader,
Karwar.

NO. 14877/I REFERENCE CIVIL SUIT NO. 185 OF
1953 AAA YOUR SECOND TELEGRAM RECEIVED
TO-DAY REDRAFT AND FILE WRITTEN
STATELENT AND SEND A COPY
SECLEX

X

Legal Department,
Bombay Castle (Bombay No.1), 17th June 1954.

Copy by post.

O/C

Solicitor to Government.

Submitted for signature — R
Sol (ML) 17/6
17/6/54

Issued 17/6

From

The District Government Pleader, Kanara.

To

The Remembrancer of Legal Affairs, Bombay.

No. 350 of 1954. Karwar, dated 16th June 1954.

Sir,

I am in receipt of your letter No.14431/E dated 11th instant saying that the draft written statement sent by me in O.S.No.185-1953 has not been approved and therefore time will be required to redraft the same. Accordingly I saw the Judge and got an adjournment of 1 week. I have intimated to you by wire today of this fact. I therefore suggest that the redrafted written statement may kindly be sent soon so as to reach me before 23rd instant. If this is not possible I may be informed accordingly by wire so that I may put-in the written statement drafted by me with any changes by denying the contentions made in each para as suggested by you.

Yours faithfully,

Dist.Govt.Pl.Kanara, Karwar.

THE SECRETARIAT GOVERNMENT, LEGAL
File No. 17469
Subject 22654
E

LD
21 JUN 1954
E

Submitted the D.G.P has already been informed by a wire on 17/6/54 The letter has been addressed by him before that date However he may be informed by a letter that his suggestions at Para 2 already been approved

Mr 24/6/54

No. 15498/E 67 65
Office of the
Remembrancer of Legal Affairs,
Bombay Castle (Bombay No.1), 26th June 1954.

Subject:- Kanara C.S. No. 185 of 1953.

MEMORANDUM.

With reference to his letter No. 350, dated the 16th June 1954, the District Government Pleader, Karwar is informed that he has already been asked by a telegram on 17th instant to redraft and file the written statement. He is requested to send a copy of the Written Statement filed by him.

for Remembrancer of Legal Affairs.

To

The District Government Pleader,
Karwar.

BM.
25.6.

Submitted for signature
Mr 26/6 Sol (MK)

Issued MK 26/6

6967

From:

The District Government Pleader,Kanara.

To

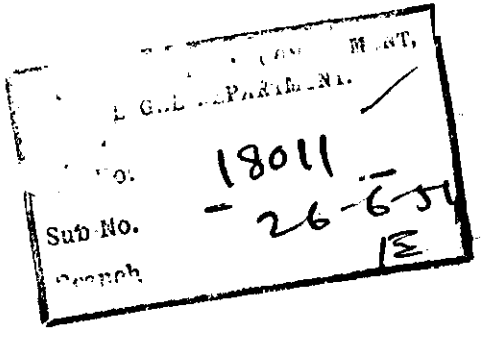
The Remembrancer of Legal Affairs, Bombay.

No. 356 of 1954. Karwar, dated 23rd June 1954.

Sir, I have redrafted the written statement in O.S.No.185-53 as suggested by you denying the assertions made in the plaint para by para . I have filed this written statement today.

Yours faithfully,

Dist.Govt.Pleader,Kanara.



Submitted for information.
No D.S already on file
by Neg. 6 appears to be
in order. This may be
left with the papers.
MM
26/6/64

Sch (cont) 26/6

In the Court of the Civil Judge, S.Dn.,Karwar. 71/69

Civil Suit No. 185-1953.

Waman Narayan Kamat .... Plaintiff.

Vs.

1. The State of Bombay and another ... Defendants.

Written Statement for the defendants:

1. The contents of para 1 of the plaint are not admitted. It is true that the then District Judge of Kanara had issued in September a notification dated 26-9-1951 inviting applications for the enlistment of candidates as Section Writers. This was because the Bailiffs Association of this District had been long agitating the question of recruitment of bailiffs as section writers. Under G.R.H.D.No.6547/5 dated 26-9-1950 Government had directed that a list of candidates for the section writer's posts should be maintained and had prescribed rules for the recruitment of section writers. Under rule No.1 no person could be appointed as a section writer whose name was not in the list, without the approval of the Government. Qualifications necessary for the recruitment had been laid down in rule 4 and the age limit for the enlistment of a candidate had been prescribed by rule No.6. Presumably therefore the bailiffs had been permitted to apply for the section writer's posts if they fulfilled the requirements of these rules.

2. It is true that the plaintiff had submitted his application for the post of Kannad section writer and he was one of the 20 applicants. The plaintiff possessed the necessary qualification for the post of a Kannad section writer and therefore on 7-12-1951 he was informed to present himself before the District Judge for interview on 16-12-1951. But he had been clearly given understand that he should come for the interview at his own cost. It is on this specific understanding that

73/11

plaiintiff presented himself for the interview.

3. The then District Judge had provisionally approved 4 bailiff candidates after holding the necessary tests, both written and oral. It is true that plaintiff was one of the 4. As there were no rules for promoting the bailiffs to the section writer's post and as it would create a new precedent, if such candidates were appointed as section writers the matter was referred to the Judges of the High Court. The High Court expressed the view that bailiff candidates within the prescribed age limits could be selected as section writers i.e. they were to be treated on a par with other candidates and the rules prescribed in the G.R. were to be applied to the bailiffs also strictly. It was also pointed out that if they could not be put on the list according to the prescribed rules, orders of the Government would be necessary.

4. It was therefore that no communication had been sent to the plaintiff till April 1952 as the District Judge had not finally decided the matter. It is true that the plaintiff had submitted his application dated 3-5-1952 to the District Judge to intimate the result of the interview. Accordingly on 30-5-1952 the plaintiff had been informed that he was over-age and that the existing rules did not permit plaintiff being entertained or selected a candidate for the post of a Regional Section Writer.

5. In view of the orders received from the High Court the 4 bailiff candidates whose names had been approved provisionally in the test, could not be selected as they were over-age. As there were sufficient number of qualified candidates available, the District Judge did not consider it necessary to make out a special case by approaching the Government for condoning the age limit of the bailiff candidates and the matter was dropped.

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6. The contents of plaint para 2 are denied. Although the plaintiff was already in service as a bailiff, the District Judge incurred no ~~x~~ liability by calling the plaintiff for an interview as it was specifically mentioned that the plaintiff should travel at his cost. The question of eligibility of the plaintiff as a candidate depended on the qualifications mentioned under rule No.4. Whereas the final selection could be made only if all the rules were complied with. Therefore it is incorrect to say that the then District Judge was of opinion that the age-bar did not apply to the bailiffs as they were already serving in the department. In fact plaintiff had never been informed that he had been selected. The rules framed by the Government for the recruitment of section writers do not contain any provision for the recruitment of bailiffs as candidates for section writer's posts ~~x~~ or for relaxation of the age limit in favour of such candidates. It is therefore wrong to assert that the age-bar was not applicable to persons already in service.

7. The plaintiff asserts that he believed that the District Judge having once called him for interview would move Government for condonation of his age-bar. ~~Thm~~ There was absolutely no justification for such belief. ~~X~~ The plaintiff must establish that he had a right vested in him to be put on the list of selected candidates for the section-writer's posts and that there was consequent obligation on the defendants to appoint him as a section writer. Plaintiff had no such right nor any obligation had been imposed on the defendants by any rules or under any Government Resolutions. Hence this suit is not maintainable.

8. The question of recommending the Govt. to condone ~~te~~ age-bar of the plaintiff was absolutely a matter of discretion for defendant No.2 who was the then District Judge of Kanara. The plaintiff has no

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right to compel defendant No.2 to move for the condonation of plaintiff's age-bar. It was not obligatory on the part of defendant no.2 to make out a case infavour of plaintiff for condoning the plaintiff's age-bar. Hence plaintiff has no right to file this suit for a mandatory injunction directing the District Judge to recommend to the Government the case of the plaintiff for the condonation of plaintiff's age-bar or for a mandatory injunction against the District Judge, Kannur to appoint plaintiff to the post of the section writer , on the ground that the age-bar contemplated by rule No.6 of the abovequoted G.R. was not applicable to persons already in service in the department. Existence of a legal right is the foundation of any such injunction. It is therefore denied that plaintiff has any such legal right to claim either of the 2 injunctions.

9. Plaintiff next contends that in view of the High Court letter dated 9-4-1952 plaintiff and ather bailiff candidates thought that the District Judge would obtain the approval of the Government for placing the said candidates in the list of section-writers. The correspondence passed between the District Judge and the High Court was of a confidential nature. No such assurance had been given to the plaintiff. There was no such correspondence between the plaintiff and the District Judge and the plaintiff cannot rely upon the correspondence between the High Court and the District Judge. Secondly, the High Court simply pointed out that approval of the Government would be necessary for putting the said candidates on the selected list if they were over-age. It was absolutely left to the discretion of the District Judge whether or not to submit any such proposal to the Government, and in view of the candidates within age being available, the discretion was properly

1977

exercised by the District Judge refusing to make a reference to the Government to condone the age of the plaintiff. In any event, the suggestions of the High Court did not create any right in favour of the plaintiff to demand that the District Judge should have moved for such condonation of age-bar. The plaintiff has never been informed that he had been selected for the post.

10. The Civil Court cannot interfere with the discretion vested in the District Judges in their administrative capacity unless there is a claim of right involved in the case. As there is no question of such right that can be asserted by the plaintiff this court has no jurisdiction to try this suit. This suit is barred under section 9 of the Civil Procedure Code. This Court cannot interfere with the internal administration or the discretion vested in the District Judges.

11. Plaintiff has not come to the Court with clean hands. It will be seen from the averment made in para 1 of the plaint that plaintiff obtained information from a clerk in the District Court about the result of the selection and about the reference made by the District Judge to the High Court regarding the 4 bailiff candidate The plaintiff tried and succeeded in obtaining informati from confidential Government records which he was not entitled to get. Further he has made use of that information as a basis for claiming injunction. He is therefore not entitled to any relief.

12. It is not true that appointment of a bailiff to the post of a Section Writer amounts to departmental promotion as asserted in para 2 of the plaint. The bailiff's and section writer's cadres are quite distinct and independent . The latter had never been declared by Government open for promotion from the former cadre. The plaintiff's contentions in para 2 in this connection are therefore not true and are denied.

81, 19

13. Plaintiff then contends that his case deserved special consideration in view of his services as a Home -Guard. This is not true. This fact is denied. The Rules prescribed by Government do not provide for granting any special concession to persons rendering any meritorious services as a Home Guard. The fact remains that no right for promotion to the sectioner's post can be claimed simply because the plaintiff happened to be a Home Guard. Similarly, the fact that plaintiff was a Home Guard gave no rise to any right to claim that his age bar should be condoned nor did it create any obligation on the District Judge to move for the condonation of the age bar of such a Home Guard bailiff.

14. The assertions made in plaint para No.3 are denied. These assertions have already been replied to.

15. The assertions made in plaint para 4 are denied. It is incorrect to say that age-bar is not applicable to plaintiff because he is already in service as a bailiff, inview of rule No.6. The analogies given by the plaintiff in plaint paras Nos. 3 and 4 are not applicable to the plaintiff's case inview of rule No.6. Hence the correctness of the plaintiff's statement need not be traversed. Even if true these analogies cannot be invoked by plaintiff.

16. As regards the assertions made in plaint para No.5 it is true that the plaintiff had submitted a representation to the High Court on 2-6-1952 and that the then District Judge had not forwarded the same to the High Court The plaintiff was informed of this fact under memo No.1807 dated 9-6-1952. It is incorrect to say that with-holding of this representation was unjust. The selection of the other candidates had

83 81

already been done by the predecessor of defendant No.2 and therefore it is not true that defendant's action in not moving for condonation of plaintiff's age-bar amounted to favoritism to outside candidates or that it frustrated the intention and object of defendant No.2's predecessors as alleged in plaint para No.5.

17. The allegations made in plaint para No.6 are mere repetitions of his assertions made in earlier paras. Therefore they need not be traversed. The plaintiff is wrong in his inference that the defendantxx No.2's predecessors were of opinion that the age-bar was not applicable to persons already in service. In view of Rule No.6 defendant No.2 was not bound to follow any such inferences, even if true. It was also not necessary for the Government to lay down any specific age-bar against bailiffs x or persons in service in view of Rule No.6. The analogies of police prosecutors or of clerks selected for service in the offices of the Charity Commissioner do not apply to this case in view of rule No.6.

18. The representation made by the plaintiff to the Government referred to in para 7 of the plaint had been forwarded by the District Judge to the Government Home Department through the High Court, On 5-9-1952 the Registrar of the High Court informed the plaintiff that Their Lordships, the Judges of the High Court, did not consider it necessary to forward his representation to the Government for condoning his age-bar and that he could not be appointed as a section writer. The plaintiff had thus the satisfaction of exhausting his remedy against the administrative order passed by defendant No.2. He was also informed by the High Court that he could not be paid the travelling expenses inconnection with the interview, as the candidates had been specifically informed that they would have to bear the cost of

travelling incurred in connection with the interview.

19. The assertions made in plaint para 8 are denied. The High Court was justified in with-holding the representation submitted by the plaintiff to the Government. The plaintiff had no right of appeal against the order of the District Judge dated 9-6-1952 as it did not amount to a promotion to appoint a bailiff to the post of a section-writer, like any outside candidate if he was eligible under the rules.

20. The plaintiff had no right to appeal to the Secretary to the Government against the High Court's order with-holding the plaintiff's representatio Hence the High Court was justified in with-holding such a representation as also the memorial referred to in para 9 of the plaint.

21. Defendant No.2 - Shri Mirajkar is no more the District ~~ex~~ Judge of Kanara, nor is he in service now. It is not clear from the plaint as to why he has been joined as defendant No.2 in this plaint. The injunctions prayed for in para No.13 are against the present District Judge. No specific relief has been asked for against defendant No.2.

22. Plaintiff has shown the cause of action as arising on 21-1-1953. This is not correct. The plaintiff has no right to appeal under Rule 40 of the Bombay Civil Service Conduct Discipline and Appeal Rules. He cannot therefore rely upon the order of the High Court dated 21-1-1953 as the date on which the cause of action arose. The cause of action if any arose on 29-5-1952 when the plaintiff was informed that he could not be appointed as a section-writer. No cause of action has been shown in the notice issued by the plaintiff under section 80 C.P.C. The plaintiff has filed this suit on 18-9-1953. The suit is therefore barred under Article 14 of the Limitation Act.

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19. This Court has no jurisdiction to try this uit. Both the mandatory injunctions claimed in para 13(1) nd (2) are in the nature of writ of mandamus covered y section 45 of the Specific Relief Act 1877. The ofussil courts have no jurisdiction to issue such orders s it is the exclusive jurisdiction of the High Court. ence it is urged that this court has no jurisdiction in he matter.

20. Plaintiff is not entitled to any damages. nless there is any breach of any legal right no question f damages can arise. It is not true that plaintiff has uffered damages of Rs.5/- as claimed in the plaint.

21. Plaintiff is not entitled to claim Rs.7-10-0 as travelling expenses. The District Judge had clearly mentioned in the letter addressed to the plaintiff calling him for an interview that he should come at his own cost.

22. There is no right of action either against the Government or against the Defendant No.2 for not moving the Government to get the plaintiff's age bar condoned as the matter was entirely discretionery. The G.Rs. or the Notifications did not form a contractual relationship between the plaintiff and the Government that the plaintiff should be promoted as a section-writer. These G.Rs. or the Notifications were mere directions given by the Government to the Administrative Authority for their general guidance. Even supposing that there is any breach of such Rules or G.Rs. they do not create any legal right for claiming any of the reliefs mentioned in the plaint.

23. Section 80 of the Civil Procedure Code requires that the notice should mention the cause of action and the relief which plaintiff claims. The notice referred to in para 11 of the plaint does not mention

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the cause of action referred to in plaint para 10. Secondly, in para 13(1) the main relief now claimed by the plaintiff is a mandatory injunction against the District Judge of Kanara to appoint plaintiff to the post of a section writer, as the age-bar contemplated by rule No.1 of G.R.H.D.No.6547/5 dated 26-9-1950 is not applicable to persons like the plaintiff, who are already in permanent employ of the Government. But this relief has not been mentioned in the notice. The relief mentioned in the notice is a mandatory injunction directing the District Judge to enlist plaintiff in the post of a Regional Section Writer. This relief mentioned in the notice is now shown in the plaint as an alternative relief in para 13(2) . Thirdly, the notice specifically mentions that the plaintiff claims the amount of Rs.7-10-0 and of Rs.5-0-0 from defendant No.2 as he had been responsible for with-holding the recommendation for condonation of the age-bar inspite of High Court suggestion and advice. But such a specific relief against defendant No.2 has not been made in the plaint para 12 at all. Thus the reliefs mentioned in the notice are not consistent with the reliefs claimed in plaint para 13. It is therefore submitted that the present suit is not maintainable for want of proper notice. It is also submitted that the notice referred to in plaint para 11 is not valid and proper.

24. For all these reasons it is prayed that the suit be dismissed against both the defendants and defendants' costs awarded.

I, B.S.Mavinkurve, District Government Pleader,Kanara do hereby declare that contents of this written statement are all true to the best of my information collected from the documents in the case and believed by me to be true.

Signed at Karwar on 23-6-1954.

DEPS No. 647 9.13-10-54

Decree.

Ex.No.50.

In the Court of the Civil Judge, S.Dn., Karwar.

Original suit No.185-1953.

Vaman Narayan Kamat , 35, Bailiff, Civil Court, Haliyal, North Kanara District. ....Plaintiff.

Vs.

1. The State of Bombay.

2. Shri R.H.Mirajkar, District Judge, Kanara, Karwar now on leave at Belgau. Defendants.

Claim:- Rs. 17-10-0. Co;.No.9.

Suit filed on: 18th September 1953.

Suit registered on: 18th September 1953.

x. x x

Costs of the suit.

Plff.	Deft.No.1.	Deft.No.2.
Stamp for power. ---		Stamp for Ex.12... 0-10-
-Do- for Exs.13,15,18,19, 20,21 and 46 ..	Rs. 2-13-0.	-Do. for Exs.13,18, 19,20 & 24. 1-9-
Pleader's fees.	" 18-12-0.	Pl's fees. 18-12
Total:	Rs.21-9-0.	Rs. 20-15

Given under my hand and the seal of the Court, this 23rd day of September 1954.

Plff's pleaders: Sd.M.R.Kamat.

Defts' Pleader : Sd.S.M.Kaikini.

Sd.M.M.Shirkol,
Civil Judge, S.Dn., Karwar.
4-10-1954.

.....

' True Copy '

Dist.Govt.Pl.Kanara.

Chitale

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From:

The District Government Pleader,Kanara.

To

The Remembrancer of Legal Affairs, Bombay.

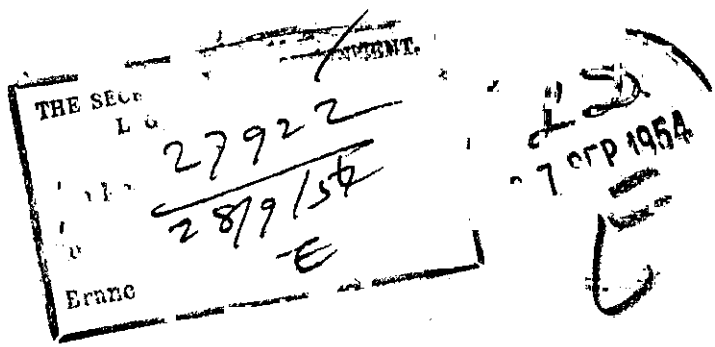
No. 576 of 1954. Karwar, dated 24th September 1954.

Sir,

I have the honour to report that O.S.No.185-1953 filed by Vaman Narayan Kamat against the Government and Shri Mirajkar was dismissed yesterday. The Court has held that the Civil Court had no jurisdiction to entertain such a suit under section 9 C.P.C.

Yours faithfully,

Dist.Govt.Pl.Kanara.



Submitted

C.S No 185/53 (S)

Decree in favour of Pltf.

Record-brief copy of SC

28/5

SS-Pltf

Submitted after issue of P.R

2) File in S Kanara 154(New)

23/5

Subdt

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Suits :

Kanara.

For a mandatory injunction (1) directing the District Judge to appoint the plaintiff to the post of section-writer (2) alternatively directing the District Judge, Kanara, to recommend to Government for condonation of the age bar and (3) for damages of Rs. 12-10-0 and costs.

GOVERNMENT OF BOMBAY.

LEGAL DEPARTMENT.

Resolution No. 18350-E.

Bombay Castle, 30th July 1954.

Letter from the Registrar, High Court, Bombay No. X4418/52, dated the 8th December 1953—Forwarding the papers in the suit noted in the margin and requesting sanction to its defence.

IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION), KARWAR.

CIVIL SUIT No. 185 OF 1953.

Vaman Narayan Kamat ... ... Plaintiff ;

versus

1. The State of Bombay,
2. Shri R. H. Mirajkar, District Judge, Kanara, Karwar ... ... } Defendants.

Memorandum to the District Government Pleader, Karwar, No. 12576/E, dated the 18th May 1954—Forwarding a copy of the brief with its accompaniments in advance.

RESOLUTION.—Sanction is accorded to the defence of the suit on the lines of the accompanying brief.

By order and in the name of the Governor of Bombay,

original. for { J. R. DHURANDHAR,
Secretary to Government.

G. R., No. 18350-E, L. D., dated the 30th July 1954.

To

*The Home Department,
*The Registrar, High Court, Bombay,
The District Government Pleader, Karwar (with two copies of the brief).

*With a copy of the brief.

No. of 1954.

Copy forwarded for information and guidance to

Issued

97/95

KANARA CIVIL SUIT NO. 185 OF 1953.

Chronological Statement of Facts.

Plaintiff V. N. Kamat, a Bailiff in Civil Court, Haliyal, has filed this suit against the State of Bombay and Shri R. H. Mirajakar the then District Judge, Kanara, for a mandatory injunction (1) directing the District Judge to appoint the plaintiff to the post of section-writer, (2) alternatively directing the District Judge, Kanara, to recommend to Government for condonation of the age bar and (3) for damages of Rs. 12-10-0 and costs.

2. Under G. R., H. D., No. 6547/8, dated the 26th September 1950, Government directed that a list of candidates for section-writer's post should be maintained and prescribed rules for recruitment of section-writers. Under rule 1 no person can be appointed whose name is not on the list without the approval of Government. Qualifications necessary for recruitment are laid down in rule 4 and age limit for enlistment of a candidate is prescribed by rule 6.

3. On 26th September 1951 the then District Judge, Kanara, published a notification inviting applications for enlistment of candidates as section-writers. As the Bailiffs' Association of Kanara district had been long agitating the question of recruitment of Bailiffs as section-writers under the said notification the Bailiffs possessing the necessary qualifications were also permitted to apply through the proper channel. Plaintiff was one of the 20 applicants from the Bailiffs' cadre who submitted applications for enlistment as section-writers. On 7th December 1951 the plaintiff was informed to present himself before the District Judge, Kanara, on 11th December 1951 for interview at his own cost.

4. After interviewing the candidates the District Judge considered 4 Bailif candidates as properly qualified for appointment to Kanada section-writer's posts, whenever vacancies would occur. As however there were no rules for promoting bailiffs to section-writers' posts and as introduction of such a system would cerate an altogether new precedent, the District Judge on 5th March 1952 referred the matter to the Registrar of the High Court for orders of their Lordships, the Judges of the High Court. On 9th April 1952 the Registrar of the High Court informed the District Judge under orders of their Lordships the Judges of the High Court that there was no objection to the selection of a Bailiff candidate for the post of section-writer under the said Government Resolution provided he possesses the necessary qualifications and the age limit prescribed in rule 6 is not transgressed. It was further stated in the letter that if they said candidates were not within the prescribed age-limit or if there was any other difficulty orders of Government should be obtained in accordance with rule 1.

5. In view of the orders received from the High Court, the four bailiff candidates cauld not be selected as they were over-age. As there were a sufficient number of qualified candidates available the District Judge also did not consider it necessary to make out a special case for condoning the age limit of the bailiff candidates and the matter was dropped.

6. On 3rd May 1952, the plaintiff submitted an application requesting the District Judge to intimate to him the result of the interview. On 30th May 1952 he was informed by the District Judge, Kanara, that under the existing rules no bailiff who was of over-age could be appointed as section-writer.

7. Feeling aggrieved by the reply received by him, the plaintiff submitted a representation to the High Court on 2nd June 1952 through the Civil Judge, Kumta. On 9th June 1952 the District Judge asked the Civil Judge, Kumta, to inform the plaintiff that his representation could not be forwarded to the High Court as the Lordships of the Bombay High Court had already expressed their opinion on all the points raised in the plaintiff's representation.

8. Plaintiff thereupon submitted a petition to Government on 2nd June 1952 through the Civil Judge, Kumta. It was duly forwarded to the High Court by the District Judge. On 5th September 1952 the Registrar of the High Court informed the plaintiff that their Lordships the Judges of the High Court did not consider it necessary to forward the petition to Government for condoning his age-limit and that he could not be appointed as section-writer. He was also informed that he could not be paid the travelling allowance in connection with the interview as the candidates were specifically informed that they would have to bear the cost of travelling etc. incurred in connection with the interview.

Plaintiff also seems to have addressed a petition to H. E. the Governor of Bombay through the High Court but he seems to have been informed on 21st January 1953 that the same could not be forwarded.

10. Plaintiff gave notices of suit to defendants Nos. 1 and 2 respectively on 22nd May 1953 and 25th May 1953 and filed this suit on 18th September 1953.

Grounds of Defence.

The suit is to be defended on behalf of both defendants Nos. 1 and 2.

Jurisdiction.—Plaintiff has prayed for order directing the District Judge (1) to appoint him as section-writer as the age bar does not apply in his case or alternatively (2) directing the District Judge to move Government for condoning his overage so that he might be appointed as a section-writer. Even though plaintiff prefers to call the orders as mandatory injunctions such directions are of the nature of writ of mandamus covered by section 45 of the Specific Relief Act, 1877. The Moffusil Courts have no jurisdiction to issue such orders as it is the exclusive jurisdiction of High Courts to do so. It should, therefore, be urged that the Court of the Civil Judge, Senior Division, Karwar (in whose Court this suit has been filed), has no jurisdiction in the matter.

Limitation.—Cause of action, if any, arose on 29th May 1952 when the plaintiff was informed that he could not be selected as section-writer under the existing rules. Plaintiff has filed this suit on 18th September 1953. The suit is, therefore, barred under article 14 of the Limitation Act.

3. Even assuming without admitting that the honourable court has jurisdiction to entertain this suit for the said mandatory injunction, plaintiff must first prove that he has a right vesting in him to put him in selection list of section-writer and there is a consequent obligation on the defendants to appoint him as a section-writer. Plaintiff has no such right nor any such obligation has been imposed on the defendants. It should be pointed out that the rules framed by Government under G. R., H. D., No. 6547/5, dated the 26th September 1950 for recruitment of section-writers do not contain any provision for recruitment of bailiff candidates or for relaxation of any age-limit in favour of such candidates. As however, the Bailiffs' Association in the Kanara District had been agitating the question of their recruitment as section-writers, the District Judge under his notification, dated 21st September 1951 invited applications from the bailiffs also. It was, however clearly stated in this notification that " *bailiffs who possess the necessary qualifications might also apply through the proper channel*". Necessary qualifications meant the qualifications prescribed in the rules published under Government Resolution, H. D., No. 6547/5, dated the 6th September 1950. Plaintiff and other bailiff candidates were overage and were thus not qualified for being selected as section-writers. It is true that the application of the bailiff candidates were entertained and they were called for interview. The District Judge provisionally approved four bailiff candidates. As there were however no rules for promoting the bailiffs to section-writer's posts and as it would create a new procedure if such candidates were so promoted, the matter was referred to the Judges of the High Court. The Judges of the High Court expressed the view that bailiff candidates within the prescribed age-limit could be selected as section-writers. That is they were to be treated on a part with other candidates and the rules prescribed in the said Government Resolution had to be strictly followed. It was also pointed out that if they could not be put on list according to prescribed rules, orders of Government would be necessary. The District Judge, Kanara, therefore, did not consider it necessary to make out a special case to Government for condoning the age-limit in favour of the plaintiff and other bailiff candidates. It was absolutely a matter of discretion for him to do so. Plaintiff has thus no right whatsover to be put on the selected list nor was it obligatory on the part of the District Judge to make out a case in favour of the plaintiff to Government for condoing the overage of the plaintiff. Plaintiff has, therefore, no right to file this suit for injunction. Existence of a legal right is the foundation of any such injunction (*vide* In re : Abdul Rasul K. 41 I.L.R. Calcutta, 513).

4. At the outset it should be urged that plaintiff has not come to the Court with a clean hand. It will be sent from averment made in paragraph 1, that plaintiff obtained information from the District Court establishment about the result of the selection and about reference made to the High Court regarding the four bailiff candidates. The plaintiff thus tried and succeeded in obtaining information from confidential Government record which he was not entitled to get.

5. Plaintiff contends in paragraph 2 of the plaint (1) that the then District Judge was evidently of the opinion that the age-bar did not apply to departmental persons and, therefore, bailiffs who possessed the necessary qualifications were eligible for appointment as Regional section-writers and that if this was not so they ought not to have been called for interview. These contentions are not true and should be denied. The age-limit prescribed in rule 6 was applicable even to the bailiff candidates. Plaintiff's allegations that the then District Judge, Kanara (i.e. Shri Manjeshwar who published the notification on 21st September 1951 inviting applications for appointment as section-writers and Shri Jamakhandi who submitted a report to the High Court on 5th March 1952) held otherwise is not true. At any rate the interpretation is not binding on the defendants. They are not parties to the suit.

6. Plaintiff next contends that in view of the High Court letter, dated 9th April 1952 plaintiff and other bailiff candidates thought that the District Judge would obtain the approval of Government for placing the said candidates in the list of section-writers. It should be stated at the outset that the correspondence passed between the District Judge, Kanara and the High Court was of a confidential nature. It was not between the plaintiff and the District Judge and the plaintiff cannot rely upon it. Secondly, the High Court simply pointed out that approval of Government would be necessary for putting the said candidates on selected list if they were over-age. It was absolutely left to the discretion of the District Judge whether or not to submit any such proposal to Government and in view of the candidates within age being available; the discretion was properly exercised by the District Judge in refusing to make a reference to Government to condone the age of the bailiff candidates. In any event the suggestion of the High Court did not create any right in favour of the plaintiff. Plaintiff was never informed that he was selected.

7. Plaintiff next contends that bailiffs and section-writer belong to Class III of Government servants, that when a bailiff possesses requisite educational qualifications for the section-writer's post it was merely a departmental promotion from the bailiffs' cadre to the section-writer's cadre. These contentions are not true and should be denied. The bailiffs' and section-writers' cadres are quite distinct and independent and the latter had never been declared by Government open for promotion from the former cadre. The then District Judge, however, considered the desirability of selecting qualified bailiff candidates for the posts of section-writers and referred the matter to the High Court. According to the directions received from the High Court the bailiff candidates were to be treated on par with other candidates and no special consideration was to be shown to them except with the previous sanction of the Government.

8. Plaintiff contends that his case deserved special consideration in view of his services as Home Guard. This is not true and should be denied. The rules prescribed by Government do not provide for granting any special concessions to persons rendering any meritorious service as a Home Guard.

9. Various other contentions and allegations in paragraph 3 to 9 are mere repetitions and have already been considered in the foregoing paragraphs. These contentions and allegations are not true and should be denied.

10. Plaintiff has shown the cause of action as arising on 21st January 1953. This is not correct. The plaintiff had no right of appeal under rule 40 of the Bombay Civil Services Conduct Discipline and Appeal Rules and he could not rely upon the order of the High Court, dated 21st January 1953 as the date on which cause of action arose. The cause of action if any, arose on 29th May 1952 when he was informed that he could not be appointed as section-writer.

11. Plaintiff is not entitled to any damages. It is not true that he has suffered Rs. 5 or any other amount as damage. Plaintiff is not entitled to claim travelling expenses of Rs. 7-10-0. The District Judge in his report mentions that in the notification it was mentioned that the applicants were to present themselves for interview at their own costs. The District Government Pleader is requested to obtain a copy of the notification and produce it in Court

12. It should then be urged that plaintiff's suit is frivolous, misconceived and ill founded. He has unnecessarily impleaded Shri Mirajakar the District Judge, Kanara, as a party in this suit. Shri Mirajkar the District Judge passed the order on 9th June 1953 refusing to forward plaintiff's petition for condonation of his bar of over-age and also refusing his travelling expenses. That order was passed *bona fide*, according to rules in the course of official business. There is no allegation of malice made by the plaintiff against him. As the order is passed *bona fide* in the course of his official duties, no suit is maintainable against Shri Mirajkar and the same should be dismissed with costs.

For all the reasons stated above, the suit should be dismissed with costs.

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From

District Government Pleader. Kanara, Karwar.

To

The Remembrancer of Legal Affairs.

No. 1059 of 1955. Date : 24-11-1955.

Sir,

Civil Appeal No.158 of 1954 filed by Shri. Vaman Narayan Kamat, Bailif, against the State of Bombay and then District Judge, Shri.Mirajkar has been dismissed with costs, on 12th November 1955

Yours faithfully,

District Govt. Pleader, Kanara,
Karwar.

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No. 27/33/L
Office of the
Remembrancer of Legal Affairs,
Sachivalaya, Bombay, 5th December 1955.

Subject: Civil Appeal No.158 of 1954 in
Civil Suit No.185 of 1953.

MEMORANDUM:

With reference to his letter No.1059 dated the 24th November 1955, the District Government Pleader, Kanara is requested to forward uncertified copies of the judgments and decrees of the trial and appellate courts to this office immediately.

for Remembrancer of Legal Affairs.

To

The District Government Pleader, Kanara, Karwar.

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